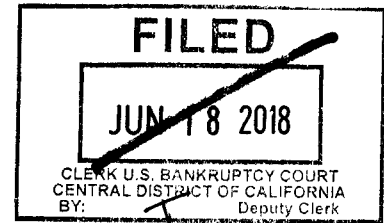
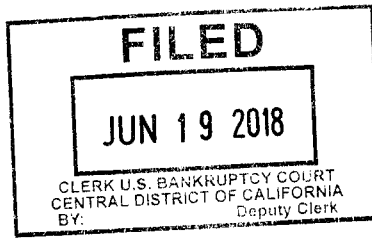


LARISSA KIRAKOSIAN
17966 VALLEY VISTA AVE.
ENCINO, CA 91316
Telephone: (818) 200-7550



IN PRO-PER

UNITED STATES BANKRUPTCY COURT OF CALIFORNIA
CENTRAL DISTRICT OF CALIFORNIA

In re

Larissa Kirakosian

Debtor

) Case No.: 1:18-BK-11359MB
) EX PARTE MOTION TO VACATE
) MOTION TO VACATE DISMISSAL AND
) REOPEN THE CHAPTER 13
) BANKRUPTCY ESTATE ON EMERGENCY
) BASIS; MEMORANDUM OF POINTS AND
) AUTHORITIES IN SUPPORT THEREOF;
) DECLARATION OF LARISSA KIRAKOSIAN
)
) Date: (No Hearing Required)
) Time:
) Place: Courtroom 301
) United States Bankruptcy Court
)
) 21041 Burbank Boulevard
) Woodland Hills, California 91367

TO THE HONORABLE JUDGE and THE CHAPTER 13 TRUSTEE:

This is notice is hereby given for an emergency hearing to reopen the chapter 13 bankruptcy estate Requested by the debtor to reopen said bankruptcy case and allow a new hearing for the creditors meeting, and confirmation hearing date to be reset. Said request and motion is hereby made which includes the motion points and authorities, the underlying bankruptcy petition, and proposed order.

Dated: June 19, 2018

By: LARISSA KIRAKOSIAN
debtor

L

ARGUMENT

MOTION TO REOPEN THE CASE

Here the bankruptcy case was filed on or about May 29, 2018 and apparently was dismissed on June 18, 2018 for failing to file information. The CH 13 plan and schedules were filed on 6/13/2018, and is on the docket along with all required documents.

The importance of reopening the estate is that the property (house) sale to the bank may be voided while a new bankruptcy would not do so. The property is under the automatic stay provision of the bankruptcy code, and the creditors herein should not do anything to effect that estate, but in fact the creditors will do so, by putting opening bids and the house will sell at public auction on June 19, 2018, the house will be sold, when in fact this will hurt the estate. The dismissal is hugely detrimental to the debtor. Due to the immediate nature of the harm that has come upon the debtor, which will be the loss of my house, due to a mistake and error of not knowing to file all the necessary documents in a timely fashion, the bankruptcy should be set aside further the setting aside the dismissal would keep the automatic stay in effect which is crucial instead of filing a new petition.

There would be no miscarriage of justice to harm any creditors, as this is a chapter 13, and it would just be a time consumption and judicial economical issue to have a new refilling and report and trustee creditors meeting when all was already done. The other issue is that the house which was to be modified and or short sold is in dire straits to fall through due to the dismissal and if the bankruptcy in this case is not reopened, then the house will be sold

**MOTION TO REOPEN BASED UPON EXCUSABLE NEGLIGENCE, MISTAKE OR
INADVERTANCE IS APPLICABLE HERE UNDER RULE 60**

a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after schedules have been filed and not on the docket its clearly a error .

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable;
or

(6) any other reason that justifies relief.

(c) TIMING AND EFFECT OF THE MOTION.

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

(d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

1. (2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the
2. action; or

3. (3) set aside a judgment for fraud on the court.

4. Here, debtor has filed the present motion to vacate upon receipt of the order from the
5. court, and therefore the motion herein is timely. The Timing here for this present motion under
6. Rule 60(b) must be made within a reasonable time not more than a year after the entry of the
judgment or order or the date of the proceeding.

1. Although this is the bankruptcy court under Federal Rules would apply as to the actions
9. procedurally for errors, and mistakes.

10. III.

11. **THE AUTOMATIC STAY UNDER SECTION 362 MUST CONTINUE IN PLACE**

13. § 362. Automatic stay

14. (a) Except as provided in subsection (b) of this section, a petition filed under section 301,
15. 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor
Protection Act of 1970, operates as a stay, applicable to all entities, of—

16. (1) the commencement or continuation, including the issuance or employment of process, of a
17. judicial, administrative, or other action or proceeding against the debtor that was or could have
18. been commenced before the commencement of the case under this title, or to recover a claim
19. against the debtor that arose before the commencement of the case under this title;

20. (2) the enforcement, against the debtor or against property of the estate, of a judgment obtained
before the commencement of the case under this title;

21. (3) any act to obtain possession of property of the estate or of property from the estate or to
22. exercise control over property of the estate;

23. (4) any act to create, perfect, or enforce any lien against property of the estate;

24. (5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that
such lien secures a claim that arose before the commencement of the case under this title;

25. (6) any act to collect, assess, or recover a claim against the debtor that arose before the
commencement of the case under this title;

26. (7) the setoff of any debt owing to the debtor that arose before the commencement of the case
27. under this title against any claim against the debtor; and

28. (8) the commencement or continuation of a proceeding before the United States Tax Court
concerning a corporate debtor's tax liability for a taxable period the bankruptcy court may

1. determine or concerning the tax liability of a debtor who is an individual for a taxable period
2. ending before the date of the order for relief under this title.

3. Section 362(a) creates an "automatic stay" upon the filing of a bankruptcy petition that
4. affords debtors expansive relief from virtually all post-petition collection activities by creditors,
5. **unless those activities fall within certain limited exemptions afforded by section 362(b), or**
6. **unless a bankruptcy court grants relief from the automatic stay.**
7.

8. **Conclusion**

9. Debtor requests that the chapter 13 bankruptcy estate to be reopened

10.
11. Dated: June 18, 2018

12. By:  _____

13. Larissa Kirakosian debtor.
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.
24.
25.
26.
27.
28.

EXHIBIT "A"

Proof of schedules filed 6/13/18

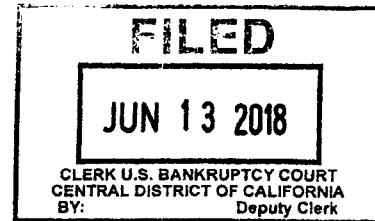
Fill in this information to identify your case:

Debtor 1 Larissa Kirakosian
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Central District of California

Case number 1:18-bk-11359-MB
(If known)



☐ Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

Your assets

Value of what you own

1. *Schedule A/B: Property* (Official Form 106A/B)
- 1a. Copy line 55, Total real estate, from *Schedule A/B* \$ 1,800,270.00
- 1b. Copy line 62, Total personal property, from *Schedule A/B* \$ 57,200.37
- 1c. Copy line 63, Total of all property on *Schedule A/B* \$ 1,857,470.37

Part 2: Summarize Your Liabilities

Your liabilities

Amount you owe

2. *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 106D)
- 2a. Copy the total you listed in Column A, *Amount of claim*, at the bottom of the last page of Part 1 of *Schedule D* \$ _____
3. *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 106E/F)
- 3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of *Schedule E/F* \$ 0.00
- 3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of *Schedule E/F* + \$ 0.00
- Your total liabilities** \$ 1,190,884.17

Part 3: Summarize Your Income and Expenses

4. *Schedule I: Your Income* (Official Form 106I)
- Copy your combined monthly income from line 12 of *Schedule I* \$ _____
5. *Schedule J: Your Expenses* (Official Form 106J)
- Copy your monthly expenses from line 22c of *Schedule J* \$ 6,965.45

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
16156 San Fernando Mission #8 Granada Hills Ca 91344

A true and correct copy of the foregoing document entitled (*specify*): EX PARTE MOTION TO ACATE DISMISSAL
AND REOPEN BK CASE, AND ORDER GRANTING MOTION

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 6/19/18, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Martin R. Barash
21041 Burbank BLVD court room 301
Woodland Hills Ca 91367

United States TRUSTEE
Elizabeth (SV)F Rojas
15260 Ventura BLVD SUITE 710

Sherman ☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

6/19/18
Date

VIDAL FIGUEROA
Printed Name


Signature